



COUNTY OF LOS ANGELES
Public Health

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June 21, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *JE Fielding*
Director and Health Officer

SUBJECT: **TRANS FAT REDUCTION AND NUTRITIONAL LABELING**

On January 30, 2007, the Board approved a motion by Supervisor Burke, which 1) instructed the Director of Public Health to develop for Board review and approval within 45 days, a voluntary, incentive-based program for trans fat reduction in food sold in retail food facilities, 2) instructed the Director of Public Health to work with the CAO and County Counsel to develop contract language which will require *operators of food facilities who prepare and serve food in County buildings to comply with limits on trans fats in servings*, and 3) went on record in support of State legislation that would a) restrict the amount of trans fat in retail food facility food servings and b) promote the availability of calorie and nutritional labeling by retail food facilities on their menus and menu boards.

On March 16 and May 8, 2007, I provided you with status reports on this motion. This is an update on actions taken since the last report.

Voluntary Incentive-based Trans Fat Reduction Program

Key components of the incentive-based, voluntary program will include:

- development of a voluntary fee-based program in which food facilities can request Environmental Health (EH) to validate their compliance;
- development of a window decal to alert consumers that a restaurant has taken positive steps to protect the heart health of diners; and
- publication of participating restaurants on Public Health's Environmental Health website so consumers can find restaurants that have reduced artificial trans fats.

On May 31, 2007, the Department convened the third meeting of the Voluntary Artificial Trans Fat Action Team (VATFAT) task force to finalize the guidelines for the voluntary, incentive-based education and certification program. Fourteen members were in attendance. Modified program procedures were presented to the task force and were agreed to by the members (Attachment 1). Copies of food product nutrition labels/documentation and a sample menu are to be submitted with the application and another package of nutrition labels/documents will be kept at each participating food facility to be made available at inspections. Environmental Health staff will review the application and accompanying documents and, if approved, the food facilities will be authorized to use the decal and logo. On-site verification will occur with the during the facility's next routine inspection. Food facilities will maintain a current packet of labels that will match the ingredients and food products covered by the program.

Additional sample decals were presented to the task force members for review and feedback. Members discussed the decals and suggested further changes. Final approval of the decal design is still pending. In addition, interviews will be conducted with consumers to gather input on the design.

The preliminary estimate of the fee for participation in the program is \$204.00. This will cover the application review and the on-site inspection. County Counsel is reviewing whether the proposed fee need be specifically codified in the Los Angeles County Code, or, in the alternative, whether the Department may recoup the costs associated with the program by using the functional hourly rate already established in Title 8 of the County Code.

Public Health will send a letter to all Los Angeles County food facilities, inviting them to participate in the program before the launch date.

Timeline

If County Counsel determines that an ordinance is not needed to implement the program, the targeted implementation date is September 1, 2007. If an ordinance is needed, the department anticipates filing it for your August 28, 2007, meeting, with implementation on October 1, 2007.

County Food Service Contracts

Public Health will continue to work with the CAO and other County departments that have food service contracts and to work with County Counsel on the contract language.

County Support for State Legislation

The Department is working with the Chief Administrative Office to follow State bills related to trans fat. The CAO will continue to include updates on these bills in its periodic Sacramento legislative status memos to the Board.

I will provide you with another status report on this motion by July 20, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:js
PH:612:005(4)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

VOLUNTARY ARTIFICIAL TRANS FAT REDUCTION (ATFR) PROGRAM
DRAFT PROGRAM DESCRIPTION

I. PURPOSE

The criteria and procedures for the submission and review of Artificial Trans Fat Reduction (ATFR) Program applications are intended to insure that food facilities that wish to participate in the voluntary program are in compliance with the ATFR standards set forth by the Department.

II. ARTIFICIAL TRANS FAT REDUCTION STANDARD

To participate in the voluntary artificial trans fat reduction program, food facilities must demonstrate that no foods containing artificial trans fat, as defined in this section, shall be stored, distributed, held for service, used in preparation of any menu item or in their establishment except food that is being served directly to patrons in a manufacturer's original sealed package.

III. ARTIFICIAL TRANS FAT DEFINITION

For the purposes of this section, a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

IV. RECOGNITION INCENTIVES

Recognition for those food facilities that choose to participate in the voluntary program and comply with the standards set forth shall include:

1. An official standardized window decal and placard that acknowledges a food facility's efforts to positively impact public health.
2. Information added to the food facility grade portion of the Department's website that acknowledges the facility's participation in the program.
3. Approval for participating food facilities to utilize an official standardized logo for the Artificial Trans Fat Reduced (ATFR) Program in menus, menu boards, dining table tent cards, and other advertising avenues.

V. APPLICATION SUBMISSION PROCESS

The following documents shall be submitted as attachments to the completed application form. If any of the documents is not furnished during the initial submission, the application shall be considered incomplete and returned to the applicant.

1. A completed application for participation in the voluntary ATFR program along with a processing fee.

** Applications will be available at Los Angeles County (LAC) Environmental Health (EH) and online at www.lapublichealth.org/eh (website to be created by Public Health)*

2. A signed Conditions of Approval form.
3. Legible copies of original labels indicating the grams of trans fat per serving for all food products:
 - a. that are, or that contain, fats, oils or shortenings, and
 - b. that are, when purchased by the food facility, required by applicable federal and state law to have labels, and
 - c. that are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food facility.
 - *Documentation instead of labels. Documentation from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be submitted for approval in lieu of copies of original labels.*
 - *Documentation required when food products are not labeled. If baked goods (or other food products restricted by the Department's ATFR Program standards) are not required to be labeled when purchased, copies of documentation from the manufacturer of the food products, (indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content) may be submitted for approval in lieu of copies of original labels.*
4. A list of all foods sold or served in a manufacturer's original, sealed container that contain artificial trans fats at a level above 0.5 grams per serving.

Product label copies and/or documentation shall be returned to the applicant following the completion of the application review process.

Food facility chains shall only be required to submit one application for all locations if all of the following conditions are met:

1. Each location shares common ownership.
2. Each location conducts food service operations consistent with the food facility chain's operational model.
3. Foods received, prepared, and offered for sale at each location are the same for each location throughout the chain.

Food facility chains that do not meet all of the above conditions shall be required to submit separate applications for each location.

A fee shall be required with each application submission. The fee shall cover the costs associated with application review, and one on-site inspection, and additional costs associated with the implementation of the ATFR Program.

Food facility chains that meet the above conditions shall be required to submit only one application fee; however, an added fee shall be required for each additional location in the chain to cover costs associated with each location's on-site inspection.

VI. APPLICATION REVIEW

LAC EH shall review all applications in a timely manner. The applications shall be approved or denied within 30 business days from the date they were received, and a decision letter will be sent to all applicants.

If an application is denied, the reasons for denial shall be detailed in the decision letter. Applications may be resubmitted when denied; the re-submittal review/processing fee shall be the same for all food facilities regardless of chain or non-chain status, as on-site verification costs are already collected with the initial application submission.

VII. ON-SITE INSPECTION

LAC EH shall conduct an on-site inspection to verify that the facility is in compliance with the program standards. The ATFR Program inspection shall be included in first routine inspection following the date that a decision letter is issued to the participating food facility.

Participating facilities that are observed in compliance with the program standards during the initial on-site inspection shall be granted approval to use the official standardized ATFR Program logo in menus, menu boards, dining table tent cards, and other advertising avenues.

Following the initial on-site inspection, the frequency of subsequent on-site compliance inspections shall be once annually.

VIII. OPTION FOR EXPEDITED APPLICATION REVIEW AND ON-SITE INSPECTION

Food facilities who wish to expedite the review of their application and on-site inspection shall be afforded the option to pay an additional fee to assure that their application is reviewed and a decision letter is issued within 10 business days from the date the application is received by LAC EH. Additionally, food facilities who wish to expedite the execution of an on-site inspection shall be afforded the option to pay an additional fee to assure that an on-site inspection is executed within 10 business days from the date that a decision letter is issued approving of the food facility's participation in the ATFR Program.

IX. CHANGE OF STATUS

Participating facilities that have initiated a change in menu items or a change in ingredients/brand of ingredients for foods identified in section III(3) above shall notify LAC EH of the change within 60 calendar days and provide LAC EH with copies of required labels/documentation.

XI. CONSEQUENCES OF NON-COMPLIANCE

Participating food facilities found to operate contrary to ATFR Program standards shall have their participation suspended until such time that the food facility is able to demonstrate that its on-site operation is consistent with the program standards. If a single facility that is part of a chain is found to be out of compliance, that facility's participation in the program shall be suspended until such time that the food facility is able to demonstrate that its on-site operation is consistent with the program standards.

Suspension from the ATFR Program shall result in, but may not be limited to the following:

1. The facility shall immediately remove from display and return to LAC EH the official standardized window decal and/or placard.
2. Information on the food facility grade portion of the Department's website shall be updated to indicate that the facility is not presently participating in the ATFR Program.
3. The facility shall immediately discontinue the use of the official standardized logo on menus, menu boards, dining table tent cards, and other advertising avenues.

Food facilities who wish to be reinstated as an active participant in the ATFR Program shall contact LAC EH and request a meeting for reinstatement. The meeting shall serve to determine if the food facility has effectively implemented measures to assure that its operation is consistent with ATFR Program standards.

XII. VOLUNTARY TERMINATION OF PARTICIPATION

Food facilities that wish to discontinue participation in the ATFR Program shall notify EH immediately. The facility shall immediately relinquish all rights to recognition incentives and return the decal or placard to LAC EH within 30 calendar days of the notification.